

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CAPELLA PHOTONICS, INC.

Plaintiff,

v.

INFINERA CORPORATION, TELLABS,
INC., TELLABS OPERATIONS INC.,
CORIANT AMERICA INC., and CORIANT
(USA) INC.,

Defendants.

Case No. 2:20-cv-00077-JRG

**DECLARATION OF CHRISTOPHER L. WANGER IN SUPPORT OF
OPPOSITION OF PLAINTIFF CAPELLA PHOTONICS, INC. TO
DEFENDANTS' MOTION TO TRANSFER VENUE TO NORTHERN DISTRICT OF
CALIFORNIA**

I, Christopher L. Wanger, declare and state as follows:

1. I am a partner with Manatt, Phelps & Phillips, LLP, attorneys for plaintiff Capella Photonics, Inc. ("Capella") in the above-captioned action. Unless otherwise stated, I have personal knowledge of the facts set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of the transcript of the deposition of the Defendants, Infinera Corporation, Tellabs, Inc., Tellabs Operations Inc., Coriant America Inc. and Coriant (USA) Inc. by Jianwei Guo taken in this matter on August 18, 2020 pursuant to F.R.C.P Rule 30(b)(6) (the "Guo Deposition").

3. Attached hereto as **Exhibit 2** is a true and correct copy of Exhibit 1 (Second Amended Rule 30(b)(6) Deposition Notice to Defendants) to the Guo Deposition.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Exhibit 3 (Defendants' Objections and Responses to Plaintiff's First Set of Interrogatories) to the Guo Deposition.

5. Attached hereto as **Exhibit 4** is a true and correct copy of Exhibit 4 (Capella_Infinera_000040535) to the Guo Deposition showing Infinera's total U.S. employees by state.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Exhibit 5 (biography of Greg Greko) to the Guo Deposition.

7. Attached hereto as **Exhibit 6** is a true and correct copy of Exhibit 6 (Corporate Summary (Capella_Infinera_000045420-000045424)) to the Guo Deposition.

8. Attached hereto as **Exhibit 7** is a true and correct copy of Exhibit 7 (Infinera Corporation Organizational Chart dated July 7, 2020 (Capella_Infinera_000045414-Capella_Infinera_000045416)) to the Guo Deposition.

9. Attached hereto as **Exhibit 8** is a true and correct copy of Exhibit 8 (Infinera Corporation Organizational Chart dated May 12, 2020 (Capella_Infinera_000045417-Capella_Infinera_000045419)) to the Guo Deposition.

10. Attached hereto as **Exhibit 9** is a true and correct copy of Exhibit 11 (Web capture - Wikipedia entry - Coriant - with stamp) to the Guo Deposition.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts of Infinera's Initial and Additional Disclosures dated June 8, 2020 in this matter.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the LinkedIn page of Brian Nagle downloaded from <https://www.linkedin.com/in/brian-nagle-b99a5/> and printed at my direction on August 21, 2020.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the Order Setting Claims Construction Deadlines entered by the Hon. Edward C. Chen on July 10, 2020 in *Cisco*

Sys. Inc. v. Capella Photonics, Inc., N.D. Cal. Case No. 20-cv-01858-EMC. No trial date has yet been set in the *Cisco* action.

14. Attached hereto as **Exhibit 13** is a true and correct copy of a page downloaded from the website located at <http://www.tellabs.com/contact/> and filed by Capella Photonics, Inc. in its prior patent infringement action against Tellabs, Inc., Tellabs Operations, Inc. and Coriant (USA) Inc. in the Southern District of Florida Case No. 14-cv-60350-PAS on July 8, 2014 as Dkt. # 67.

15. Attached hereto, as **Exhibit 14** is a true and correct copy of excerpts of the Motion to Transfer Venue filed by Tellabs Operations, Inc. and Coriant (USA) Inc. in the Southern District of Florida Case No. 14-cv-60350-PAS on June 20, 2014 as Dkt. # 63.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on August 25, 2020 at Mill Valley, California.

/s/ Christopher L. Wanger

Christopher L. Wanger

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document, entitled Declaration of Christopher L. Wanger in Support of the Opposition of Plaintiff Capella Photonics, Inc. to Defendant's Motion to Transfer Venue to Northern District of California, was served on all counsel of record who have consented to electronic service on this 25th day of August, 2020.

/s/ Robert D. Becker

Robert D. Becker

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